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January 29, 2021

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: Antoine Ross v. Captain Dion Willis, et al.,
16 Civ. 6704 (PAE) (KNF)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, and attorney assigned to represent defendant correction officers Sadoc Genoves and Rochard George in the above-referenced matter. I write jointly with counsel for defendant Captain Dion Willis to respectfully request permission to file portions of defendants' respective responses to Plaintiff's Local Rule 56.1 Counterstatement (ECF No. 161) under seal. As background, Plaintiff filed certain documents and testimony under seal in connection with his opposition to defendants' respective summary judgment motions, but objected to the continued sealing of such materials. Subsequently, defendants de-designated much of the sealed documents and testimony, but the parties remain in disagreement as to whether exhibits 16 and 21 to Plaintiff's declaration in opposition to summary judgment (ECF No. 162), and any references to such exhibits, should remain under seal.¹ The parties submitted a joint letter outlining their positions on this issue. (ECF No. 166.)

Defendants do not intend to submit to the Court any information under seal beyond what the Court has already received in connection with Plaintiff's opposition. However, in order to comply with Your Honor's Individual Rule 3(H)(i), Defendants "must reproduce each entry" in Plaintiff's Local Rule 56.1 Counterstatement. Because paragraphs 110 and 111 of Plaintiff's Local Rule 56.1 Counterstatement contain information that defendants contend

¹ As the Court is aware, exhibits 16 and 21 consist largely of information regarding correction officer disciplinary proceedings.

should remain sealed and the sealing of which is pending the Court's determination, defendants request permission to file those two paragraphs under seal in connection with their respective responses to Plaintiff's Local Rule 56.1 Counterstatement. Plaintiff consents to this request, without prejudice to the arguments made in his portion of the joint letter (ECF No. 166) that such information should be unsealed.

Defendants thank the Court for its attention to this matter.

Sincerely,

Joshua A. Weiner

Joshua A. Weiner
Senior Counsel

cc: All Counsel (VIA ECF)

Granted. Defendants may file redacted versions of their respective responses to Plaintiff's Local Rule 56.1 Counterstatement to the extent that such redactions are consistent with the Court's order at docket 170.

The Clerk of Court is respectfully directed to terminate the letter motions pending at dockets 166 and 169.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

February 1, 2021